



# PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- ☐ Preproposal Statement of Inquiry was filed as WSR \_\_\_\_\_; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☒ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) WAC 246-292-160, Water Works Operator Certification Fees.

Hearing location(s): Department of Health  
Point Plaza East, Conference Room  
310 Israel Road SE  
Tumwater, Washington 98501

## Submit written comments to:

Name: Theresa Phillips  
Address: PO Box 47822  
Olympia WA 98504-7822  
e-mail <http://www3.doh.wa.gov/policyreview/>  
fax (360) 236-2253 by (date) October 25, 2005

Date: October 25, 2005 Time: 1:00 p.m.

## Assistance for persons with disabilities: Contact

Theresa Phillips by October 18, 2005  
TTY (800) 833-6388 or (360) 236-3147

Date of intended adoption: November 22, 2005  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rule revises the fee schedule to increase fees for water works operator certification fees. During the 2005 legislative session, the legislature authorized the department to increase fees beyond the fiscal growth factor in ESSB 6090 (chapter 518, Laws of 2005). The fee increases for operators range from \$11 to \$19 for application fees, an increase of \$9 for re-application and renewal fees, and an \$8 increase for late fees. The fee increases for water systems vary from an increase of \$29 for water systems with up to 600 services to an increase of \$180 for water systems with more than 20,000 services.

**Reasons supporting proposal:** Fee adjustments are necessary to guarantee sufficient revenue to fulfill the department's public health protection obligations, and to meet the requirements of RCW 70.119.160 and RCW 43.20.250, with fees that fully cover program costs. This fee increase will allow the department to maintain its current level of program activities and services.

Statutory authority for adoption: 70.119.160 RCW

Statute being implemented: 43.70.250 RCW

## Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No  
Federal Court Decision? ☐ Yes ☒ No  
State Court Decision? ☐ Yes ☒ No  
If yes, CITATION:

DATE 9/14/05

NAME (type or print)  
Mary C. Selecky

SIGNATURE *Mary C. Selecky*  
TITLE  
Secretary

## CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

SEP 15 2005

TIME 11:21 AM  
WSR 05-19-051 PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Department of Health.

- ☐ Private  
☐ Public  
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Theresa Phillips	Tumwater	(360) 236-3147
Implementation..... Richard Sarver	Tumwater	(360) 236-3093
Enforcement..... Richard Sarver	Tumwater	(360) 236-3093

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

Under RCW 19.85.025(3), rules that set or adjust fees pursuant to legislative standards are exempt from the requirements of the Regulatory Fairness Act.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: Under RCW 34.05.328(5)(b)(vi) rules that set or adjust fees pursuant to legislative standards are exempt from the cost benefit analysis.

AMENDATORY SECTION (Amending WSR 04-12-123, filed 6/2/04, effective 7/3/04)

**WAC 246-292-160 Water works certification fees.** (1) Operator fees:

(a) Applicable fees are listed in Table 2 of this section;

Table 2  
WATER WORKS OPERATOR FEES

OPERATOR CLASSIFICATION	APPLICATION FEE	REAPPLICATION FEE	ANNUAL RENEWAL FEE	LATE FEE
WTPO	<del>\$((68.00))</del> <u>87.00</u>	<del>\$((33.00))</del> <u>42.00</u>	<del>\$((33.00*))</del> <u>42.00*</u>	<del>\$((27.00**))</del> <u>35.00**</u>
WDM	<del>\$((68.00))</del> <u>87.00</u>	<del>\$((33.00))</del> <u>42.00</u>	<del>\$((33.00*))</del> <u>42.00*</u>	<del>\$((27.00**))</del> <u>35.00**</u>
WDS	<del>\$((68.00))</del> <u>87.00</u>	<del>\$((33.00))</del> <u>42.00</u>	<del>\$((33.00*))</del> <u>42.00*</u>	<del>\$((27.00**))</del> <u>35.00**</u>
CCS	<del>\$((40.00))</del> <u>51.00</u>	<del>\$((33.00))</del> <u>42.00</u>	<del>\$((33.00*))</del> <u>42.00*</u>	<del>\$((27.00**))</del> <u>35.00**</u>
BAT	<del>\$((40.00))</del> <u>51.00</u>	<del>\$((33.00))</del> <u>42.00</u>	<del>\$((33.00))</del> <u>42.00*</u>	<del>\$((27.00))</del> <u>35.00</u>
BTO	<del>\$((40.00))</del> <u>51.00</u>	<del>\$((33.00))</del> <u>42.00</u>	<del>\$((33.00))</del> <u>42.00*</u>	<del>\$((27.00))</del> <u>35.00</u>

\* The annual renewal fee for a WTPO, WDM, WDS and CCS certification is ~~((thirty-three))~~ thirty-five dollars regardless of the number of classifications held.

\*\* The annual late fee for a WTPO, WDM, WDS, and CCS certification is ~~((twenty-seven))~~ thirty-five dollars regardless of the number of classifications held.

(b) The department will assess a late fee ~~((shall be assessed))~~ to operators ~~((failing))~~ who fail to submit the required fee within the time period specified on the renewal form; and

(c) The fee for application for reciprocity is one hundred ~~((thirty-eight))~~ seventy-seven dollars per classification.

(2) Group A system fees:

(a) Applicable fees are listed as indicated in Table 3 of this section.

Table 3  
ANNUAL SYSTEM CERTIFICATION FEES

SYSTEM SIZE* (Number of Equivalent Services)	SYSTEM FEE
Less than 601 Services	<del>\$((103.00))</del> <u>132.00</u>
601 through 6,000 Services	<del>\$((313.00))</del> <u>403.00</u>
6,001 through 20,000 Services	<del>\$((417.00))</del> <u>536.00</u>
More than 20,000 Services	<del>\$((629.00))</del> <u>809.00</u>

\* Systems designated by the department as approved satellite management

agencies (SMAs) shall pay a fee based on total services in all systems owned by the SMA.

(b) A Group A system must pay the fee~~((s shall be paid))~~ in Table 3 in conjunction with the system's annual operating permit fee required in chapter 246-294 WAC.

(c) The department will assess a late fee ~~((shall be assessed))~~ against any system ~~((for failing))~~ that fails to submit ~~((the applicable))~~ its fees to the department within the designated time period. The late fee ~~((shall be))~~ is based on the water system's classification and ~~((shall be an additional))~~ is equal to ten percent of the ~~((applicable))~~ system fee in Table 3 or ~~((twenty-seven))~~ thirty-five dollars, whichever is greater.

(d) The system fee for issuance of a temporary certification shall be ~~((sixty-eight))~~ eighty-seven dollars for each temporary position.

(3) Fees are nonrefundable and transfers of fees are not allowable.

(4) ~~((Payment of))~~ Fees required under this chapter ~~((shall be in the form of a))~~ must be paid by check or money order made payable to the department of health and ~~((shall be))~~ mailed to the department ~~((of Health,))~~ at P.O. Box 1099, Olympia, Washington 98507-1099.